

### REMARKS

Applicant cancels claims 15-20, 23, and 24 and acknowledges that claims 9-14 and 22 are allowed. Further, the Examiner indicated that claims 7 and 8 are allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, Applicant amends claims 7, 8, and 21 and adds new claims 25-29. No new matter is added by the amendments, which are fully supported by the specification. Claims 1-14, 21-22, and 25-29 remain pending.

#### Rejection under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 5, 6 and 21 as being anticipated by Beardsley et al. (U.S. Pat. No. 6,135,865). Applicant respectfully traverses. Specifically, the reference teaches a porous pad in a recess of a platen. Included in the recess is a sprinkler hose that receives slurry for delivery to the porous pad. Further, to deliver the slurry to the porous pad, the sprinkler hose includes holes facing the porous pad and a connection to a gas delivery means for delivering pressurized gas into the sprinkler hose. When the pressurized gas is delivered into the sprinkler hose, the **slurry is forced from the holes in the sprinkler hose towards the porous pad**. See Figure 5 and column 5, lines 49-67 through column 6, lines 1-14. Thus, slurry permeates the porous pad for polishing a substrate during CMP.

In contrast, independent claims 1 and 21 recite that the porous material has a porosity sufficient to *restrict airflow therethrough to reduce an amount of air*. As the reference teaches forcing slurry towards a porous pad using pressurized gas and does not teach the *porous material having a porosity sufficient to restrict airflow to reduce an amount of air*, the reference does not anticipate independent claims 1 and 21. Further, dependent claims 5 and 6, which depend from independent claim 1 are submitted to be unanticipated by the reference for at least the same reasons. Accordingly, Applicant respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection.

#### Rejection under 35 U.S.C. § 103(a)

The Examiner also rejected claims 2-4 under 35 U.S.C. § 103(a) as being unpatentable over Beardsley et al. Applicant respectfully traverses. As mentioned above, the reference does not teach *restricting airflow therethrough to reduce an amount of air*.

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Instead the reference teaches applying a pressurized gas to slurry to force the slurry towards a porous pad. The slurry taught by the reference is an integral part of the CMP apparatus with built-in slurry distribution and removal. As such, the slurry must be delivered to the apparatus within a recess so that the slurry can be delivered to a porous pad to aid in polishing a substrate. Further, the reference discloses that it is preferable that the slurry delivered to the porous pad returns to the recess for removal and reuse. Thus, as taught by the reference, slurry and not air is delivered to the porous pad. Accordingly, Applicant respectfully submits that the reference does not teach or suggest the *porous material having a porosity sufficient to restrict airflow therethrough to reduce an amount of air* and further requests the withdrawal of the rejection under 35 U.S.C. § 103(a).

If the Examiner has any questions, please contact the undersigned at (408) 749-6900, ext. 6911. Further, if any fees are due in connection with filing this amendment, the Commissioner is authorized to charge Deposit Account No. 50-0805 (Order No. LAM2P310). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
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